

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: Douglas J. Baxter,
Debtor

Case No. 16-57318
Judge John E. Hoffman, Jr.
Chapter 13

OBJECTION TO CLAIM NO. 6
AS FILED BY PNC BANK, NATIONAL ASSOCIATION

Here comes the Debtor, Douglas J. Baxter, by and through undersigned counsel, and notifies this Court of his objection to Claim No. 6 filed by PNC Bank, National Association,, Attn: Bankruptcy Dept., 3232 Newmark Drive, Miamisburg, Ohio 45342 on March 28, 2017.

The Proof of Claim contains a line item for “projected escrow shortage” in the amount of \$2,919.60 which appears to be accounted for in the “prorated escrow shortage” line item contained in the “Notice of Mortgage Payment Change” filed by this same creditor as Document No. 44, on April 4, 2017. To that end, maintaining the “projected escrow shortage” in both the Proof of Claim and the Notice of Mortgage Payment Change would result in a double recovery in that amount by the Claimant. Furthermore, the “Notice of Mortgage Payment Change” indicates that the Debtor’s escrow account has a surplus balance of \$3,975.73.

Accordingly, the debtor is seeking an Order MODIFYING the Proof of Claim to the adjusted amount of \$26,370.56 for mortgage arrears.

Respectfully submitted,

/s/ Shannon M. Treynor

Shannon M. Treynor, Esq. (0072813)
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Attorney for Debtor

NOTICE OF OBJECTION TO CLAIM

Douglas J. Baxter, through his counsel, Shannon M. Treynor has filed an objection to your claim in this bankruptcy case. Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you do not want the court to reduce, modify or eliminate your claim, then on or before thirty (30) days from the date set forth in the certificate of service for the objection to claim, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to

U.S. Bankruptcy Clerk
170 North High Street
Columbus, Ohio 43215

OR your attorney must file a response using the court's ECF System. The court must receive your response on or before the above date. You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to

Douglas J. Baxter
3167 Alderridge Court
Dublin, Ohio 43017-1805

Chapter 13 Trustee, Faye D. English
10 West Broad Street, Suite 900
Columbus, OH 43215

Shannon M. Treynor, Esq.
P.O. Box 735
London, Ohio 43140

Office of the United State Trustee
170 N. High Street, Ste. 200
Columbus, Ohio 43215

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to claim and may enter an order reducing, modifying, or eliminating your claim without further notice or hearing.

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2017, a copy of the Objection to Claim No. as filed by PNC Bank, National Association were served on the following registered ECF participants, electronically through the court's ECF System at the email address registered with the court:

Office of the the United States Trustee, ustpreion09.cb.ecf@usdoj.gov
Ohio Department of Taxation, c/o Erin Marie Dooley, Erin.Dooley@mifsudlaw.com,
brian.gianangeli@mifsudlaw.com; erin@emdooley.com
Faye D. English, notices@ch13columbus.com
PNC Bank, National Association, c/o Adam Bradley Hall, amps@manleydeas.com
Heartland Bank, c/o David A Skrobot, dskrobot@fisherskrobot.com
Douglas J. Baxter, c/o Shannon M Treynor, shannon.treynor@sbcglobal.net,
renee@treynorlaw.com

and on the following by ordinary U.S. Mail addressed to:

PNC Bank, National Association
PNC Mortgage, a division of PNC Bank, N.A.
Attn: Bankruptcy Dept.
3232 Newmark Drive
Miamisburg, Ohio 45342

Douglas J. Baxter
3167 Alderridge Court
Dublin, Ohio 43017

/s/ Shannon M. Treynor

Shannon M. Treynor, Esq. (0072813)